IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 745 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHRADDHA PETROLEUM, THRO' RAMANBHAI S PATEL. - Applicant(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :

MR BA SURTI for Applicant(s) : 1,
MR VM PANCHOLI, APP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 21/03/2006

ORAL JUDGMENT

Rule. Mr. VM Pancholi, Ld. APP waives service of rule on behalf of opponents no. 1 and 2.

2. In this revision application the applicant has prayed for condonation of delay caused in filing the appeal before the Ld. Addl. Sessions Judge, Fast Track Court No. 2 at Vadodara. The application shows that there is

a delay of 5 months and 19 days in filing the appeal. It appears from the application that the applicant had filed Application in Appeal No. 844 of 1999, enumerating the reasons for delay. However, the Ld. Judge has found that no sufficient cause has been established by the applicant to enable the said Court to condone the delay. Hence, the said application has been dismissed vide order dated 16th February, 2004.

3. I have perused the contents of this application. I have also heard Mr. BA Surti, learned advocate for the applicant and Mr. VM Pancholi, Ld. APP for the opponents. The reasons for the delay have been adequately set-out in the application. It, therefore, appears that the applicant was prevented by the circumstances beyond his control in filing the appeal within the prescribed period of limitation. This application, therefore, deserves to be granted and delay caused in filing the appeal before the concerned Court is required to be condoned. Hence, this revision application is allowed. The delay of 5 months and 19 days caused in filing Appeal No. 844 of 1999 before the Ld. Addl. Sessions Judge, Fast Track Court No. 2, Vadodara is condoned. The Ld. Judge is now directed to hear the said appeal on its merits. Rule made absolute accordingly.

[Akshay H Mehta, J.]

* Pansala.